



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI  
GOVERNOR

DAVID P. LITTELL  
COMMISSIONER

**Calpine Construction Finance Company,  
L.P.  
Cumberland County  
Westbrook, Maine  
A-743-78-A-N**

**Departmental  
Findings of Fact and Order  
CO<sub>2</sub> Budget Source License**

After review of the CO<sub>2</sub> budget source license application, staff investigation reports and other documents in the applicant's file in the Bureau of Air Quality, pursuant to 38 M.R.S.A, §344 and §580-B and 06-096 CMR 115 and 156, the Department finds the following facts:

**I. REGISTRATION**

**A. CO<sub>2</sub> Budget Source General Information**

COMPANY NAME	Calpine Construction Finance Company, L.P. (otherwise known as, Westbrook Energy Center)
INITIAL LICENSE NUMBER	A-743-78-A-N
LICENSE TYPE	CO <sub>2</sub> Budget Source License
PLANT/FACILITY/ORIS CODE	55294
PHYSICAL LOCATION	60 Eisenhower Drive
CITY/TOWN	Westbrook
COUNTY	Cumberland
INITIAL LICENSE ISSUANCE DATE	<b>January 15, 2009</b>

Westbrook Energy Center's CO<sub>2</sub> authorized account representative submitted a CO<sub>2</sub> budget source license application pursuant to Maine's *CO<sub>2</sub> Budget Trading Program*, 06-096 CMR 156. The application was received by the Department on November 6, 2008 and was accepted as complete for processing by the Department on November 24, 2008.

**B. CO<sub>2</sub> Budget Unit Information**

The following CO<sub>2</sub> budget units are addressed by this CO<sub>2</sub> budget source license:

UNIT ID #	DESCRIPTION	COMMENCE(D) OPERATION DATE
1	Combined Cycle Gas Turbine	2001
2	Combined Cycle Gas Turbine	2001

AUGUSTA  
17 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0017  
(207) 287-7688 FAX: (207) 287-7826  
RAY BLDG., HOSPITAL ST.

BANGOR  
106 HOGAN ROAD  
BANGOR, MAINE 04401  
(207) 941-4570 FAX: (207) 941-4584

PORTLAND  
312 CANCO ROAD  
PORTLAND, MAINE 04103  
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE  
1235 CENTRAL DRIVE, SKYWAY PARK  
PRESQUE ISLE, MAINE 04769-2094  
(207) 764-0477 FAX: (207) 760-3143

Units 1 and 2 are CO<sub>2</sub> budget units because more than 50% of their annual heat input comes from the combustion of fossil fuels and they each serve a generator with a nameplate capacity equal to or greater than 25 megawatts (MW) electrical output. Units 1 and 2 also supply more than 10% of their gross electrical generation for transmission over the facilities of a transmission and distribution utility on an annual basis, so they are not currently eligible for this exemption opportunity.

## II. CO<sub>2</sub> BUDGET SOURCE LICENSE

This CO<sub>2</sub> Budget Source License is issued pursuant to 38 M.R.S.A, §344 and §580-B, *Major and Minor Source Air Emission License* regulations, 06-096 CMR 115, and Maine's *CO<sub>2</sub> Budget Trading Program*, 06-096 CMR 156.

CO<sub>2</sub> Budget Source License Requirements may be found below in the Order section of this license.

### ORDER

Based on the above Findings and listed CO<sub>2</sub> Budget Source License Requirements, the Department hereby grants the CO<sub>2</sub> Budget Source License A-743-78-A-N pursuant to 06-096 CMR 115 and 06-096 CMR 156.

#### Liability

No license revision shall excuse any violation of the requirements of the CO<sub>2</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.

Any provision of the CO<sub>2</sub> Budget Trading Program that applies to a CO<sub>2</sub> budget source (including a provision applicable to the CO<sub>2</sub> authorized account representative of a CO<sub>2</sub> budget source) shall also apply to the owners and operators of such source and of the CO<sub>2</sub> budget units at the source.

Any provision of the CO<sub>2</sub> Budget Trading Program that applies to a CO<sub>2</sub> budget unit (including a provision applicable to the CO<sub>2</sub> authorized account representative of a CO<sub>2</sub> budget unit) shall also apply to the owners and operators of such unit.

#### Effect on Other Authorities

No provision of the CO<sub>2</sub> Budget Trading Program, a CO<sub>2</sub> budget source license application, or a CO<sub>2</sub> budget source license, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the CO<sub>2</sub> authorized account representative of a CO<sub>2</sub> budget source or CO<sub>2</sub> budget unit from compliance with any other provisions of applicable State and federal law and regulations.

Severability

The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

Enforcement

Except as provided in Maine's *CO<sub>2</sub> Budget Trading Program Waiver and Suspension* regulations, 06-096 CMR 157, violations of Maine's *CO<sub>2</sub> Budget Trading Program*, 06-096 CMR 156, are enforceable, and penalties may be imposed in accordance with 38 M.R.S.A. sections 347-A, 348, and 349.

Conditions

(1) CO<sub>2</sub> Budget Trading Program General Provisions

The owners and operators of the CO<sub>2</sub> budget source and, to the extent applicable, the CO<sub>2</sub> authorized account representative, shall be subject to all applicable requirements contained in 06-096 CMR 156, Section 1.

The applicability provisions contained in 06-096 CMR 156, Section 1.A. shall be used to determine whether or not a particular unit is subject to the CO<sub>2</sub> Budget Trading Program and if so, to what degree.

The definitions contained in 06-096 CMR 156, Section 1.B. shall be used in determining the meanings of terms used in the CO<sub>2</sub> Budget Source License.

(2) CO<sub>2</sub> Allowance Allocation Provisions

The owners and operators of the CO<sub>2</sub> budget source and, to the extent applicable, the CO<sub>2</sub> authorized account representative, shall be subject to all applicable requirements contained in 06-096 CMR 156, Section 2.

(3) Licensing Requirements

By applying for and receiving this CO<sub>2</sub> Budget Source License, Westbrook Energy Center has met its obligation to obtain a CO<sub>2</sub> Budget Source License under 06-096 CMR 156, Section 3.

(4) Monitoring, Recordkeeping, and Reporting Requirements

The owners and operators of the CO<sub>2</sub> budget source and, to the extent applicable, the CO<sub>2</sub> authorized account representative, shall comply with all applicable monitoring, recordkeeping, and reporting requirements contained in 06-096 CMR 156, Section 4.

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(5) Compliance Requirements

The owners and operators of the CO<sub>2</sub> budget source and, to the extent applicable, the CO<sub>2</sub> authorized account representative, shall comply with all applicable CO<sub>2</sub> Budget Trading Program compliance requirements contained in 06-096 CMR 156, Section 5.

(6) CO<sub>2</sub> Authorized Account Representative Provisions

The owners and operators of the CO<sub>2</sub> budget source and, to the extent applicable, the CO<sub>2</sub> authorized account representative, shall comply with all applicable requirements contained in 06-096 CMR 156, Section 6.

(7) CO<sub>2</sub> Allowance Tracking System

The owners and operators of the CO<sub>2</sub> budget source and, to the extent applicable, the CO<sub>2</sub> authorized account representative, shall comply with all applicable requirements contained in 06-096 CMR 156, Section 7.

(8) CO<sub>2</sub> Allowance Transfer Provisions

The owners and operators of the CO<sub>2</sub> budget source and, to the extent applicable, the CO<sub>2</sub> authorized account representative, shall comply with all applicable requirements contained in 06-096 CMR 156, Section 8.

DONE AND DATED IN AUGUSTA, MAINE THIS 15<sup>th</sup> DAY OF January, 2009.  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: James P. Brubaker  
DAVID P. LITTELL, COMMISSIONER

**The term of this license shall be concurrent with the duration of Maine's CO<sub>2</sub> Budget Trading Program.**

PLEASE NOTE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES

Date of initial receipt of application: November 6, 2008

Date of application acceptance: November 24, 2008

Date filed with the Board of Environmental Protection: \_\_\_\_\_

This Order prepared by Eric Kennedy, Bureau of Air Quality.

